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PTO/SB/21 (08-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/525,268	
	Filing Date	2/22/05	
	First Named Inventor	Andreas POPPE, et al.	
	Art Unit		
	Examiner Name		
Total Number of Pages in This Submission	11	Attorney Docket Number	PAT-01050

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Authorization to charge fees to Deposit Account 23-3425. Copy of the Notification of Abandonment.
Remarks This form is submitted in duplicate.  Fax to Shelby J. Vigil at No. (703) 748-6710		


SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	BASF CORPORATION	
Signature	<i>Anne Gerry Sabourin</i>	
Printed name	ANNE GERRY SABOURIN	
Date	8/23/05	Reg. No. 33,772

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:	
Signature	<i>Marjorie Ellis</i>
Typed or printed name	MARJORIE ELLIS

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of  Andreas POPPE , et al.	Practitioner's No. 0906S-000366NP (PAT 01050 DE)
Serial No.: Unknown; National Stage United States Patent Application based on PCT/EP2003/010922 October 2, 2003	Group Art Unit: Not Assigned
Filed:	Examiner: Not Assigned
For: NANOPARTICLES, METHOD FOR MODIFYING THEIR SURFACES, DISPERSION OF NANOPARTICLES, METHOD FOR THE PRODUCTION AND THE UTILIZATION THEREOF	I hereby certify that the attached correspondence is being deposited with the United States Postal Service addressed to Commissioner for Patents, PO BOX Petitions, Alexandria, VA 22313-1450, via facsimile to (703) 746-6710 on the date shown below.  August 23, 2005  Date  Marjorie Ellis

Commissioner for Patents  
P.O. Box Petitions  
Alexandria, Virginia 22313-1450

**PETITION TO REVIVE AN UNINTENTIONALLY ABANDONED APPLICATION**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to the Notice of Abandonment mailed August 11, 2005. The Notice of Abandonment stated that Applicants did not provide the full U.S. Basic National Fee by 30 months. Applicants submit that authorization was made to charge Deposit Account 02-1201 and Applicants included their customer number 26922 on the authorization and on the application filing papers. The fee was not paid due to insufficient funds in the Deposit Account 02-1201. Applicants were not aware that there were not sufficient funds to cover the filing fee. Accordingly, abandonment of the application was unintentional. Applicants submit that the entire delay in filing the

application was unintentional. Applicants submit that the entire delay in filing the required filing fee until the filing of this petition to revive with the filing fee was unintentional. Applicants submit herewith authorization to charge its Deposit Account 23-3425 for the U.S. Basic National Fee and the petition fee for the Petition to Revive an Unintentionally Abandoned Application. Applicants request withdrawal of the holding of abandonment and reinstatement of the application as a U.S. National Phase application.

Respectfully submitted,



Anne Gerry Sabourin, Esq. (Reg. No. 33,772)  
(248) 948-2021  
BASF Corporation  
26701 Telegraph Road  
Southfield, MI 48034-2442  
Customer Number 26922

Date: August 23, 2005

Practitioner's Docket No. PAT-01050**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Andreas PoppeGroup No.:

Application No.: 10 / 525,268 Examiner:

Filed: February 22, 2005

For: Nanoparticles method for modifying their surfaces, dispersion of nanoparticles, method for the production and the utilization thereof

Commissioner for Patents  
Washington, D.C. 20231**AUTHORIZATION TO CHARGE FEES TO DEPOSIT ACCOUNT**

**NOTE:** If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be made. See the Notice of April 7, 1986, 1065 O.G. 31-33.

**1. Authorization to Charge Fees**

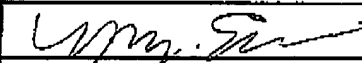
**WARNING:** If this form is to be filed, then accurately count claims, especially multiple dependent claims, to avoid unexpected high charges.

**NOTE:** "Amounts of twenty-five dollars or less will not be returned unless specifically requested within a reasonable time, nor will the payer be notified of such amounts; amounts over twenty-five dollars may be returned by check or, if requested, by credit to a deposit account." 37 C.F.R. § 1.26(a).

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature



Typed or printed name

MARJORIE ELLIS

Date

8-23-05

This collection of information is required by 37 CFR 1.6. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

(§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(Authorization to Charge Fees to Deposit Account [6-7]—page 1 of 3)

The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to:

- ☒ Deposit Account No. 23-3425
- ☐ Credit card as shown on the attached credit card information authorization form PTO-2038.

**WARNING:** Credit card information should not be included on this form as it may become public.

**WARNING:** Even though small entity status is accorded where the wrong type of small entity basic filing fee or basic national fee is selected but the exact amount of the fee is paid, applicant still needs to pay the correct small entity amount for the basic filing or basic national fee where selection of the wrong type of fee results in a deficiency. While an accompanying general authorization to charge any additional fees suffices to pay the balance due of the proper small entity basic filing or basic national fee, specific authorizations to charge fees under § 1.17 or extension of time fees do not suffice to pay any balance due of the proper small entity basic filing or basic national fee because they do not actually authorize payment of small entity amounts. Changes To Implement the Patent Business Goals; Final Rule [Fed. Reg.: September 8, 2000, pages 54603-54683, at 54611; OG: October 3, 2000, pages 14-39].

- ☒ 37 C.F.R. § 1.16 (a), (f) or (g) (filing fees)
- ☐ 37 C.F.R. § 1.16 (b), (c) and (d) (presentation of extra claims)

**NOTE:** Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 C.F.R. § 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

- ☐ 37 C.F.R. § 1.16(e) (surcharge for filing fee and/or declaration on a date later than the filing date of the application)
- ☐ 37 C.F.R. § 1.17(a)(1)-(5) (extension fees pursuant to § 1.136(a))
- ☒ 37 C.F.R. § 1.17 (application processing fees)

**WARNING:** "A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission." 37 C.F.R. § 1.136(a)(3).

- ☐ 37 C.F.R. § 1.18 (issue).

**NOTE:** Section 1.311(b) provides that an authorization to charge the issue fee (§ 1.18) to a deposit account may be filed in an individual application only after the mailing of the notice of allowance. Accordingly, general authorizations to pay fees and specific authorizations to pay the issue fee that are filed prior to the mailing of a notice of allowance will generally not be treated as requesting payment of the issue fee and will not be given effect to act as a reply to the notice of allowance. Applicant, when paying the issue fee, should submit a new authorization to charge fees, such as by completing box 6b on the current PTOL-85B form. Where no reply to the notice of allowance is received, the application will stand abandoned notwithstanding the presence of general authorizations to pay fees or a specific authorization to pay the issue fee that were submitted prior to mailing of the notice of allowance. Where an attempt is made to pay the issue fee but an incorrect amount is submitted, § 1.311(b)(1), or where the Office's issue fee transmittal form (currently PTOL-85(B)) is completed by applicant and submitted, § 1.311(b)(2), in reply to a notice of allowance, an exception will be made. Such submissions will operate as a request to charge the issue fee to any deposit account identified in a previously filed (i.e., submitted prior to the mailing of the notice of allowance) authorization to charge fees, and will be allowed to act as payment of the correct issue fee. § 1.311(b). See also the change to § 1.26(b). Notice of September 8, 2000, Fed. Reg. 54603-54683, at 54646 and 54647.

(Authorization to Charge Fees to Deposit Account [5-7]—page 2 of 3)

NOTE: 37 C.F.R. § 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying, . . . issue fee." From the wording of 37 C.F.R. § 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.

**2. Status**

This application is on behalf of:

- ☒ other than a small entity.  
☐ a small entity.

A statement:

- ☐ is attached.  
☐ was already filed.

Reg. No. 33,772

Tel. No.: (248) 948-2021

Customer No.: 26922

*Anne Gerry Sabourin*

SIGNATURE OF PRACTITIONER

Anne Gerry Sabourin

(type or print name of practitioner)

BASF Corporation  
 26701 Telegraph Road

P.O. Address

Southfield, MI 48034-2442  
 USA

(Authorization to Charge Fees to Deposit Account [5-7]—page 3 of 3)



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/525,268	Andreas Poppe	PAT-01050

INTERNATIONAL APPLICATION NO.
PCT/EP03/10922

LA. FILING DATE	PRIORITY DATE
10/02/2003	

26922  
BASF CORPORATION  
ANNE GERRY SABOURIN  
26701 TELEGRAPH ROAD  
SOUTHFIELD, MI 48034-2442

CONFIRMATION NO. 4995

371  
ABANDONMENT/TERMINATION  
LETTER

\*OC000000016723082\*

Date Mailed: 08/11/2005

## NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office In its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to provide the full U.S. Basic National Fee by 30 months (37 CFR 1.495(b)(2)).

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

SHELBY J VIGIL

Telephone: (703) 308-9140 EXT 224

## PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)